App F IX-4

Previous References 1944 Municipal File No 66-44
ML 153-39-1,2,3,4,5,6 Serial Nos 3, 4

Later References
ML 45-47 (1-3)

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2

Part B for October 4th

SUBJECT

Draft Agreement alteration of some words in between B'aif Municipal & the Binny Mills re the use of the Hydrant at Graham Lane Water

the ML Commr B'aif

L 3771 dated 23 10 44.

Approves

CM
29/12

Letter No AI-1804/35 Dy 2-5-44 from the ml Comm. Belg requesting that the words "But not so as to prejudice the rights of the Company" be omitted and the words "Waste Weir" be added in clause "7" of the agreement, after the word "Bund," to be executed by the authorities of the Bunny Mills Co Ltd, for the use of the water of the Hosakere Agraharam tank for industrial purposes etc

1) Said It is not clear whether the authorities of the Mills are agreeable to the omission & the addition proposed by the ml Cl.

If agreed, the ml Commr will be asked to state if the Mill authorities were consulted in the matter

2) Submitted for orders

KKS. 18/5 3) Before approving the agreement in the year 1944, in question the authorities of the Bunny Mills were consulted. Mendraft agreement was also before the M Cl After obtaining the opinion of the above authorities and of the Mcl, the agreement was duly approved & the M Commr was requested to get it executed by the mill authorities If any amendment was considered necessary, the Mcl should

have suggested it long ago & with the first instance itself were time finally about these matters it may not be advisable to go to with authority again, asking for a revision of the form of the agreement. The revision proposed does not also appear to be necessary

the Minister may perhaps be inclined accept the request to get the agreement executed as approved by Cabinet on 25 & 29 May

4) For orders

Lawrey

5) It is not necessary to bring amending the agreement as this place it may be for executed without further reference

Mr Wilkes 29a

22 5 44

6) It may be done in the 1st instance

Sec

7 6 44

7) Appl & Wilkes

8) Submit with a draft letter for approval

WLG 17/6

9) Dr Watson

I Wilkes

GEOY LAW OFFICE 11779 22 JUN 1944

OFFICE OF THE MINISTER FOR L S G & P H Date 23 5 44 No 8096

To Re ML Comm. Brig. thro. D&S
no L 125 85 Dy do-6-44
Requests him to state whether the
authorities of the Mills have been
consulted in the matter
Letter no AI 1804/35 Dy 27-8-44
from the ML Comm. Brig.
stating that the Mill authorities
have been consulted & that they
are agreeable to the proposed draft
agreement.

Subst

IV Submit with reference to para 6 supra
(11) The modified draft agreement
which is approved by the Company

LAW SEC 330 30 SEP 1944 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR L S G & P H Date 2 10 44 No 2633 -

Submitted with a draft letter

To the ML Comm., Brisbane
BO L3771 B 23-10 44
Conveys the approval Govt
to the modification proposed

B
13/12

BANGALORE CITY MUNICIPALITY

No A1-1804/35.
Encl

MUNICIPAL OFFICES
Bangalore May 194

FROM

P SURYANARAYANA SETTI, ESQ, B A LL B
MUNICIPAL COMMISSIONER
Bangalore City

TO

C Narayanaswamy Naidu, Esq , B A , B L ,
Secretary to Government,
Law Department, Bangalore

GEN & L S G BRANCH 10 MAY 1944

SIR

I have the honour to state that the draft of the agreement to be executed by the authorities of the Binny Mills (The Bangalore Woollen, Cotton and Silk Mills, Co , Ltd) for the use of water of the Hosakere Agrahara Tank for Industrial purposes, as approved in Government Order No L 2598-97/M1. 153-39 158-89-6 dated 25-9-1941 was placed before the Municipal Council On 10-7-1943 Council referred the matter to the Managing Committee At eir meeting held on 11-3-1944, the Managing Committee opined that the words "But not so as to prejudice the rights of the company" be omitted and the words ""Waste Weir" be added in Clause "F" of the Agreement after the word "Bund", so that the Mill authorities may not protest against the Municipality executing any works or repairs reducing the level of the water in the tank, in the interest of public health, whenever it is deemed necessary to do so This opinion of the Managing Committee was approved by the Municipal Council on 31-3-1944. A draft of the agreement as modified by the Council together with copies of the resolutions of the Managing Committee and the Municipal Council referred to above, is herewith forwarded for favour of obtaining approval of Government thereto

I have the honour to be,
Sir,
Your most obedient servant,

P Suryanarayana Setti
Municipal Commissioner

Forwarded with compliments

C V Narayanaswamy Naidu
Hon President 8 8 44

Proceedings of the Bangalore City Municipal Council Meeting dated 31-3-1944

Addl. Subject No 8 -

Opinion of the Managing Committee dated 11th March 1944, that the words "but not so as to prejudice the rights of the company" be omitted and the words "Waste Weir" be added in clause F of the agreement to be executed by the Binny Mill - authorities

Resolution - Approved.

Sd C N Narasinga Rau.
Hon President

"Copy"

Municipal Commissioner

ksm

Proceedings of the Adjourned Council meeting held on Friday the 31st March 1944 at 4 P.M. in the Council Chambers of the Bangalore City - Municipal Council, Bangalore.

PRESENT

C.N. Narasinga Rao, Esq., B.A., B.L., (Hon. President).

Messrs.	Messrs.
1. M.V. Veerappa	13. L.S. Raju, [illegible] (Hons.) B.L.
2. G.R. Ethirajulu Naidu, B.A. B.L.	14. T.T. Sharma
3. Ramalal Thiwari	15. [illegible].A. Gopalaswamy Iyengar, [illegible].A. B.L.
4. Gundenahalli Nanjappa	16. M.V. Narayana Iyengar, B.A., B.L.
5. C. Chenniah	17. Mrs. Dwarakabai Gidambi
6. Singam Rangaswamappa	18. H.C. Suryan rayana Rao
7. S. Viswa Murthy, B.A.	19. K.M. Naganna
8. H.V. Shankarappa	20. K. Ambrose Ananda B.A., L.T.
9. D. Venkataramanappa	21. Misrilal Parasmul
10. B.N. Gupta	22. S. Ghouse Mohiyuddin
11. P. Shivashankar, B.A. LL.B.	23. A.J. Khaleel, B.A., B.L.
12. P.R. Ramiah, B.Sc.	24. Mirza M. Azeezulla Beig.

ABSENT

Messrs.	Messrs.
1. N. Keshaviengar, B.A., B.L.	3. P.V. Ramachandra Gupta
2. W.H. Hanumanthappa	4. K.N. Ramaswamy, B.A.
	5. A.A. Jayamuthu Raju.

Proceedings of the Managing Committee Meet-
; dated 11-3-1944.

)ject No 2

Council subject dated 10-7-1943 referring the Offi
Office Note in the matter of executing the agree-
ment by the Binny Mills for the use of the water
of the Hoskare Agrahar tank for industrial purposes.

The Committee is of the opinion that the words "But not so as to prejudice the rights of the company" be omitted and the words "waste weir" be added in the clause "F" of the Agreement after the words "bund or"

Sd Syed Ghouse Mohiyuddin,
Chairman

11-3-1944

"Copy"

Municipal Commissioner

AGREE ENT

THIS AGREE EN. made and entered into this day of 1941 between the Municipal Commissioner of Bangalore City (hereinafter called "THE MUNICIPAL COMMISSIONER" which expression - shall where the context so requires or admits include his successors in office or other representatives of the Executive of the Municipal Commissions, Bangalore City) AND The Bangalore Woollen Cotton and Silk Mills, Co , Ltd , a joint stock company incorporated under the Indian Companies Act VI of 1882 (herein after called the "COMP NY" which expression shall where the context so demands or admits include its successors or assigns) whereby it is witnessed as follows -

1 WHEREAS the Company has had the free use of the water of the tank called "Hosakere Agrahar Tank" situated in or near the Mills of the Company in Cottonpet, Bangalore City, for its manufacturing purposes ever since the Mill was constructed nd the right of the Company to such free use of the water has been confirmed by the Government of Mysore Order No 7916-8 Fc 176-17-8 dated the 8th February 1918 and No L 6426-80/M1 153-39-2 dated 18th/23rd January 1940

2 AND WHEREAS by the said order the President of the City Municipal Council, Bangalore City, was directed to arrange for a proper agreement in regard to the free supply of water from the tank

3 AND WHEREAS the matter was pending since the date of the aforesaid Government Order and it has now been agreed between the Municipal Commissioner (who, under the present law represents the executive authority vested in the President at the time of the aforesaid Government Order) and that the Company shall continue to have the right to the free use of the water of the said Tank upon the terms and conditions hereinafter x appearing

NOW THEREFORE THIS AGREEMENT WITNESSETH as follows -

(a) The company shall have the free use of the water of the said Hosakere Agrahar Tank which for purposes of identification has been described in Schedule "A" hereunder for its manufacturing purposes as long as the Mills of the Company - shall be situated in or about its present habitat

(b) The Company shall be responsible for the ordinary repair of the bounds of the Tank at its own cost, but all extra-ordinary repair or repairs other than ordinary repairs of the bunds shall be effected by or under the authority of the Municipal Commission or the Government and at their cost

(c) The Company shall not assign or underlet the right of user herein mentioned without the previous sanction in writing obtained from the Municipal Commissioner

(d) The Company shall not have any right to catch fish or duck or other birds in the said Tank nor shall the Municipal Commissioner let out, sell or otherwise grant such rights of fishing or shooting duck or other birds or any other rights to any members of the public at any time hereafter

(e) The Company shall not have any right to object to the public using the water for legitimate purposes or any portion or portions of the bund or tank

(f) The Municipal Commissioner or the Local or Central Authority shall have the right of getting repairs effected either through himself or any other agent or authority in the tank, the bed and the bund, water-weir and all other portions connected with the tank, either to construct, raise or lower any portions of the tank bed or bund or waste-weir, any portion connected therewith

(g) The Company shall have as to all other matters the same

same rights, privileges and powers as an ordinary licensee save and except that, in regard to the ownership of the tank-bund or the tank-bed, the Company shall not have any rights except as owners of the easement to the use of the water as aforesaid "

SCHEDULE "A"

The boundaries of the tank are as marked in blue in the enclosed Blue Print

IN WITNESS WHEREOF we have hereunto set our hands this day of 194

In the presence of

Witnesses

"Draft "

Municipal Commissioner

mlt

Appendix F G —1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 20/6

Signed by Wm Elliott Rao

List of enclosures

Copied by 19/6/44

Examined by

Section ML

File No

Serial No

No L/12585

To

The ML Commr, Brig. Hood

Sir,

With reference to your letter No A1. 1804/35-D2.5-44 in regard to the agreement to be executed by the authorities of the Bannigan Mills (M/s Bangalore Woollen Cotton & Silk Mills, Co, Ltd,) for the use of the water of the Hosakere Agrahara Tank for Industrial purposes, I am directed to request you to be so good as to state whether the authorities

WD 04161—GPB—60 000—24 10 41

of the Mills have been
consulted & whether they are agreeable
~~to the matter of~~ to the ~~Contract~~ amendments
& alterations now suggested in the agreement
I have etc

from
Thos Lamb Eckert
WB
1-6-16 Law Dept

PW 66-44-43

BANGALORE CITY MUNICIPALITY

1693/L

No A1-1804/35 MUNICIPAL OFFICES

Encl Bangalore 27th Aug. 1944

FROM

P SURYANARAYANA SETTI, ESQ, BA LL B
MUNICIPAL COMMISSIONER
Bangalore City

TO

C Narayanaswamy Naidu, Esq, B A, B L,
Legal Remembrancer and
Secretary to Government,
Law Department,
Bangalore

With reference to your letter No L 12585/M1 dated 28th June 1944, enquiring whether the authorities of the Binny Mills (The Bangalore Woollen, Cotton and Silk Mills Co, Ltd,) were consulted regarding the additions and alterations made by the Council in the draft agreement to be executed by them for use of the water of the Hosakere Agrahara Tank for industrial purposes, I have the honour to state that the Agent of the Mills has intimated in his letter dated 7th July 1944 that the draft agreement as proposed by the Municipal Council is approved

I have the honour to be,

Sir,

Your most obedient servant,

P Suryanarayana Setti
Municipal Commissioner

mlt

Forwarded with compliments

C R Reddy
Honorary President

L 8771 dt 23-10-44
To The MM Comm
B city
(Through the President)

Subj - Draft Agreement to be executed by the authorities of the Binny Mills (The Bangalore Woollen, Cotton and Silk Mills, Co Ltd) for the use of the water of the Hosakere Agrahar Tank, for industrial purposes

Sir,

With reference to correspondence ending with Your letter No A 1,- 1804/35 d 27-8-44, on the above subject I am directed to convey the approval of Government to the deletion of the

16 words But not so as to prejudice the rights of the Company" and the addition of the words "as the case may be" in clause 7, of the Agreement, after the word "Bond"; to be executed by the authorities of the Binny Mills reserved to above further action may be taken accordingly

I have the
for
Sir Lowndes